

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
ANDRE M. DAVIS  
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE  
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August 10, 2001

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CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

DEPUTY

MEMORANDUM TO COUNSEL RE: Westport Ins. Corp. v. Blum, Yumkas  
Civ. No. AMD 01-141

I have had an opportunity to review the motion to dismiss filed by defendant Eric F. Waller. If, as it is therein alleged, Westport is a defendant in a previously-filed state court action which touches and concerns the very issues of liability and coverage as Westport seeks to raise in this case, my strong inclination is to stay this case pending the resolution of the previously-filed action. A stay would be wholly in keeping with longstanding Supreme Court and Fourth Circuit precedent in respect to declaratory judgment actions filed in federal court under such circumstances. (Despite the request for rescission which is included in the complaint here, this is in essence a declaratory judgment action).

I invite the views of all the parties, to be submitted on or before September 1, 2001, before entering the contemplated order.

Despite the informal nature of this ruling, it is an Order of Court and the Clerk is directed to docket it as such.

Very truly yours,



Andre M. Davis  
United States District Judge

AMD:tt  
cc: Court file

